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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: September 8, 2005

Signature:

Michael J. Doherty
(Michael J. Doherty)

Docket No.: SPINE 3.0-381
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Horan et al.

Application No.: 10/091,068

Group Art Unit: 3731

Filed: March 5, 2002

Examiner: J. R. Baxter

For: BIASED ANGULATION BONE FIXATION
ASSEMBLY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97(D)**

Dear Sir:

It is respectfully requested that the accompanying Information Disclosure Statement, filed after issuance of a Notice of Allowance, be considered pursuant to 37 C.F.R. § 1.97(d). Please charge deposit account No. 12-1095 in the amount of \$180.00 pursuant to 37 C.F.R. § 1.17(p). The present submission is accompanied by a certification as required by 37 C.F.R. § 1.97(e). In the event that any additional fee is due in connection with the present petition, the same should be charged to our Deposit Account No. 12-1095.

Dated: September 8, 2005

Respectfully submitted,

By *Michael J. Doherty*

Michael J. Doherty

Registration No.: 40,592

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant



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**INFORMATION DISCLOSURE STATEMENT AND
CERTIFICATION PURSUANT TO 37 C.F.R. § 1.97(E)(1)**

Dear Sir:

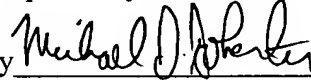
It is respectfully requested that the reference listed on the enclosed form be made of record and considered with respect to the above-referenced U.S. patent application. A copy of reference JP-2002-168220, the US counterpart (6,736,820), and the foreign office action are enclosed. Submission of the present Information Disclosure Statement should not be taken as an admission that the cited references are legally available prior art or that the same are pertinent or material.

Pursuant to 37 C.F.R. § 1.97(e) (1), undersigned counsel hereby certifies that each item of information contained in the accompanying Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application to the above-referenced patent application not more than three months prior to the filing of said statement.

In the event that any fee is due in connection with the present Information Disclosure Statement, the Commissioner is hereby authorized to charge the same to our Deposit Account No. 12-1095.

Dated: September 8, 2005

Respectfully submitted,

By 

Michael J. Doherty

Registration No.: 40,592

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

LD-456\



PTO/SB/08a/b (07-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/091,068
				Filing Date	March 5, 2002
				First Named Inventor	Michael Horan
				Art Unit	3731
				Examiner Name	J. R. Baxter
Sheet	1	of	1	Attorney Docket Number	SPINE 3.0-381

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	BA	JP-2002-168220-A	06-14-2002	BIEDERMANN		√

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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